



City of Tigard

Tigard City Council Meeting Minutes

April 9, 2013

Executive Session cancelled:

- ~~EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations under ORS 192.660(2) (d).~~
- STUDY SESSION
 - A. Review of 2013 Community Event Funding Requests

Staff report presented by Information Services Department Director LaFrance and Confidential Executive Assistant Lutz. Council reviewed 2013 Community Event Funding Requests to recommend in the proposed budget. After discussion the council agreed to the following distribution of funds among the applicants as follows:

• Broadway Rose:	\$ 10,000
• Festival of Balloons	20,000
• 4 th of July	15,000
• Undesignated Set Aside	413*
• Tigard Little League	2,950
• Big Horn Brass Concert	-0-
• Compassion Tigard**	10,000
• Dog Park	400
• Downtown Street Fair	700
• Mask & Mirror	6,000
• Relay for Life	1,000
• Templeton Annual Sock Hop	-0-
• Tigard Farmers Market	8,500
• Tree Lighting	2,500
• Tigard High Graduation Party	2,000
• Tigard Historical Association	1,500
• Tigard Safety Town	4,000
• Tualatin Riverkeepers	2,500
• Tualatin Valley Community Band	<u>2,000</u>
	\$ 89,463

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*City Recorder Note: Adjusted from \$415 to \$413 by Finance and Information Services Department Director LaFrance for reconciliation purposes with budget document.

**For Compassion Tigard, City Council members asked that the applicant be advised to submit this request as a Social Services request rather than Community Events in the future.

A copy of the spreadsheet recording the council consensus on distribution of community event funding is on file with the record copy of the meeting packet. The spreadsheet also indicates where “in-kind” contributions for city services were approved for specific community events.

Discussion was held on the variance in the quality of applications received. For those events that were awarded a contribution from the city, council requested staff craft a question(s) in next year’s application process so applicants explain how the city’s funds were used to support the event. Also, council members discussed a question that might give council members an idea of how dependent the event is on city funding.

B. Administrative Items

- City Recorder Wheatley reviewed the following information pertaining to tonight’s council business agenda:
 - Remove from the Consent Agenda consideration of January 29, 2013 meeting minutes; to be rescheduled for April 23, 2013.
 - Agenda Item No. 4.B. – Proclaim April 2013 as Child Abuse Prevention Month (this item was added to the Agenda on April 3, 2013).
 - Agenda Item No. 5 – Quasi-Judicial Public Hearing – Lennar Annexation (additional packet materials):
 - Revised ordinance reflecting this area to be withdrawn from the Tigard Water District.
 - April 5, 2013 Letter from Neighbors on 133rd Avenue.
- Grant application threshold for City Council authorization – staff proposal to raise threshold and submit resolution for council approval when required by grant application requirements.

City Manager Wine advised of her authorization for staff to apply for grants when equal to or less than \$100,000 without the initial step of requesting council approval for the application unless the grant application requirements require council approval either by motion or by a resolution. Council will have opportunities to determine whether to accept the grant proceeds if awarded at the acceptance and appropriation phase.

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- National Guard Cities of Honor – May 17, 10 a.m. – Noon. – Assistant City Manager Newton noted this is a change of date. Due to conflicts on calendars, it appears that May 16 is a better date for this event. Assistant City Manager Newton will check with the organizers to determine if the date can be changed.
- Qualification Based Solicitation Letter –SB644.

SB644 proposes that the “Qualification Based Solicitation” (QBS) bid process be imposed on cities for projects estimated at \$100,000 or more. The current trigger requiring this process be used is \$250,000.

After lengthy discussion, council members agreed that they would support a letter to Tigard’s state legislators and the committee chair opposing this change and also stating the council’s opposition to the current requirements imposed on cities under the QBS bid process. Council President Henderson and other City Council members agreed that the process should at least allow a city to select the top three qualified bid responders and then negotiate project price.

City Manager Wine summarized that the message in the letter would include a request for there to be an exploration for flexibility of implementation of the QBS process. It is likely too late to introduce changes to the current law due to timing for this legislative session. The next opportunity would be the short session in 2014. Council members also requested the League of Oregon Cities be asked to assist cities with weighing-in with the state legislature on this matter.

There was discussion about the recent QBS process as it was applied to the design bid award for the Dirksen Nature Park. In response to a concern expressed by Council President Henderson about whether an \$8 million+ project to develop this park was even feasible, City Manager Wine explained that the standard metric corresponding to the percentage of design costs and its ratio to total project costs does not necessarily apply to this project; that is, the end result of the design project will not necessarily produce an \$8 million price tag. In addition, the design will produce a master plan to be implemented/funded over a 20+ year time period.

- Council Calendar:

April

16*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
22	Monday	Budget Committee Meeting – 6:30 p.m., Public Works Auditorium
23*	Tuesday	Council Business Meeting –6:30 p.m., Town Hall
29	Monday	Budget Committee Meeting – 6:30 p.m., Public Works Auditorium
30	Tuesday	Tigard Town Hall – 6:30 p.m., Library Burgess Community Room

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1. BUSINESS MEETING - APRIL 9, 2013

A. Mayor Cook called the meeting to order at 7:33 p.m.

B. City Recorder Wheatley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook	✓	
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

C. Pledge of Allegiance

D. Mayor Cook asked for any Council Communications & Liaison Reports. Councilor Buehner and Councilor Woodard gave reports at the end of the meeting. (See Agenda Item No. 9)

E. Call to Council and Staff for Non-Agenda Items: None

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

A. Follow-up to Previous Citizen Communication – City Manager Wine

1. Follow up: Request on February 26, 2013, from the Hajduk family regarding having the ability to raise chickens on residential property. The Community Development Department is planning for a code review in the fall and the questions from the Hajduk family will be incorporated in the code review. This has been communicated to the Hajduks and they are looking forward to the changes that might come forward from that process.

2. Follow-up: Request on February 26, 2013 from Glenna Thompson who lives at the Fanno Pointe Condominiums. Ms. Thompson asked the council for the blackberries to be maintained near the Fanno Creek Trail. Staff contacted Ms. Thompson to relay the understanding that the city agrees to maintain the trail and blackberries on the side of the fence next to the trail. This activity will be incorporated into the city's regular maintenance schedule.

3. Follow-up: Question raised by Councilor Woodard last week regarding the status of the Scholls Ferry Road undercrossing on Fanno Creek Trail. This situation

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is not easy to address. There's a significant beaver dam complex in the area, which causes the flooding of the trail on a regular basis. Council has received communication from residents during the last year. The city owns some of the land mostly on the west side of the creek and this encompasses the trail. The city requires assistance from Clean Water Services and Tualatin Hills Park and Recreation District to make a change. One proposal was to raise the trail; however, the solution is not as easy as just raising the trail. City Manager Wine noted permits are required and the beaver dams would also need to be addressed. Staff has been working with Clean Water Services and will continue to do so. The city periodically clears the silt and mud that collects. Last fall, the city installed pipe to allow water to run off the trail. Because there is still beaver activity, flooding will continue to occur. Clean Water Services is in the lead to come up with a longer term solution. The city will continue to pursue temporary fixes to attempt to keep the water off the trail. Staff will advise the City Council and the residents who communicated with the City Council, once there is a solution offered by Clean Water Services.

- B. Tigard High School Student Envoy - Associated Student Body President Megan Risinger presented a report on the High School activities. A copy of her report is on file with the council packet material.
 - C. Tigard Area Chamber of Commerce Debi Mollahan, Tigard Area Chamber of Commerce Chief Executive Officer presented a report on Chamber activities. A copy of her report is on file with the council packet material.
 - D. Citizen Communication: No one signed in to speak.
3. CONSENT AGENDA: (Tigard City Council, Local Contract Review Board and City Center Development Agency)
- A. Approve City Council Meeting Minutes for:
 - 1. ~~January 29, 2013~~—Reschedule to the Consent Agenda of April 23, 2013.
 - 2. February 5, 2013 (City Council, Local Contract Review Board and CCDA Minutes)
 - 3. February 19, 2013
 - B. Receive and File:
 - 1. Council Calendar
 - 2. Council Tentative Agenda for Future Meeting Topics
 - C. Appoint Alternate City Center Advisory Commissioner Carine Arendes to the City Center Advisory Commission to Replace Resigning Member Tamera Slack

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RESOLUTION NO. 13-14 - APPOINTING CARINE ARENDES TO BECOME A VOTING MEMBER OF THE CITY CENTER ADVISORY COMMISSION TO COMPLETE THE TERM VACATED BY TAMERA SLACK

- D. Appoint Alternate Budget Committee Member Melanie Boekee to the Budget Committee to Replace Resigning Member Cathy Hearn

RESOLUTION NO. 13-15 -- A RESOLUTION APPOINTING MELANIE BOEKEE TO BECOME A VOTING MEMBER OF THE BUDGET COMMITTEE TO COMPLETE THE TERM VACATED BY CATHY HEARN

- E. Consider Amendments to a Resolution of Necessity (Resolution No. 12-01)
Adopted by Council on January 24, 2012 -- Resolution

RESOLUTION NO. 13-16 – A RESOLUTION TO AMEND RESOLUTION NO. 12-01, REMOVING AND REPLACING PROPERTY NOS. 1, 4 AND 6 WITH REVISED LEGAL DESCRIPTIONS AND DEPICTIONS.
RESOLUTION NO. 12-01 DECLARES THE NEED TO ACQUIRE RIGHTS OF WAY AND TEMPORARY CONSTRUCTION EASEMENTS ON PROPERTIES FOR THE PURPOSES OF INSTALLING, REPLACING AND REPAIRING SIDEWALK AND GREEN STREET IMPROVEMENTS NEEDED TO PROVIDE SAFE TRANSPORTATION ROUTES FOR PEDESTRIANS

- F. Approve Nomination of Tigard Applications for Regional Flexible Funds for Transportation Projects
- G. Authorize Submittal of Two Applications for Metro's Community and Development Grant Program - Cycle 3
- H. Authorize the Mayor to Execute an Agreement with the Oregon Department of Transportation to Partially Fund Main Street Phase II Improvements
- I. Authorize the Mayor to Execute an Amendment to an Agreement with the Oregon Department of Transportation to Partially Fund Main Street Phase I Improvements
- J. Approve and Authorize the Mayor to Execute an Intergovernmental Agreement with Washington County on the Walnut Street Improvement Project

Motion by Councilor Buehner, seconded by Councilor Woodard, to approve the Consent Agenda.

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The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

4. PROCLAMATIONS – Mayor Cook announced the following proclamations:

A. PROCLAIM APRIL 7-14 AS NATIONAL DAYS OF REMEMBRANCE

B. PROCLAIM APRIL 2013 AS CHILD ABUSE PREVENTION MONTH (Added to the Agenda on April 3, 2013)

5. QUASI JUDICIAL PUBLIC HEARING - ZCA2013-00001 - LENNAR ANNEXATION

REQUEST: A request to annex to the City of Tigard approximately 2.28 acres of property

LOCATION: 15060 SW 133rd Avenue; Assessor map 2S109DB, Tax Lot 800

COUNTY ZONES: R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

APPLICABLE REVIEW CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

Mayor Cook opened the public hearing. Associate Planner Floyd presented the staff report. A summary of the report is on file with the council packet materials. There was no oral testimony. Council received a letter from neighbors on 133rd Avenue; a copy of the letter is on file with the

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council packet materials. Associate Planner Floyd reviewed the issues brought forward in the letter; however, the matter before the council was for annexation only and not for issues regarding potential development of the property. Neighbors will be counseled as to the timing for raising their concerns.

Mayor Cook closed the public hearing.

After the hearing, motion by Councilor Woodard, seconded by Councilor Buehner to adopt Ordinance No. 13-05.

ORDINANCE NO. 13-05 - AN ORDINANCE ANNEXING ONE PARCEL OF LAND APPROXIMATELY 2.28 ACRES IN SIZE, AND 1/2 OF THE ADJOINING 133rd AVENUE RIGHT-OF-WAY TOTALING 0.13 ACRES, APPROVING THE LENNAR ANNEXATION (ZCA2013-00001) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

6. LEGISLATIVE PUBLIC HEARING: CONSIDER AN ORDINANCE TO AMEND THE TIGARD MUNICIPAL CODE CHAPTER 15.20, STREET MAINTENANCE FEE

Purpose of hearing is to consider a proposed amendment to TMC 15.20 Street Maintenance Fee language to accept the use of the Engineering News Record (ENR) Construction Cost Index-Seattle along with the Oregon Monthly Asphalt Cement Material Price.

Finance and Information Services Department Director LaFrance presented the staff report and responded to questions from the City Council. A summary of the report is on file with the council packet materials.

Mayor Cook opened the public hearing.

There was no public testimony.

Mayor Cook closed the public hearing.

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After the hearing, there was a motion by Councilor Buehner, seconded by Councilor Snider, to adopt Ordinance No. 13-06

ORDINANCE NO. 13-06 - AN ORDINANCE TO AMEND TIGARD MUNICIPAL CODE CHAPTER 15.20.050 STREET MAINTENANCE FEE

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

7. LEGISLATIVE PUBLIC HEARING - CONSIDER FISCAL YEAR THIRD QUARTER SUPPLEMENTAL BUDGET AMENDMENT

Senior Analyst Collins presented the staff report and Finance and Information Services Department Director LaFrance was available during the hearing to respond to council questions.

Mayor Cook opened the public hearing.

There was no public testimony.

Mayor Cook closed the public hearing.

Motion by Councilor Snider, seconded by Councilor Buehner, to adopt Resolution No. 13-17.

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

City Council meeting recessed.

Local Contract Review Board meeting called to order.

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8. LOCAL CONTRACT REVIEW BOARD: AWARD CONTRACT FOR EAST BUTTE HERITAGE PARK IMPROVEMENTS TO DA NEAL CONSTRUCTION, INC.

Senior Management Analyst Barrett presented the staff report. The city purchased property along the west side of 103rd Avenue from Canterbury Lane to the Murdock Street right of way to develop a neighborhood park. This park, East Butte Heritage Park, is included in the city's Parks Master Plan and was selected by the Park and Recreation Advisory Board for parks bond funding consideration. Senior Management Analyst Barrett reviewed the development plans for the park.

After council discussion and questions of staff about the reference checking of the lowest bidder, there was a motion by Councilor Buehner, seconded by Councilor Woodard, to award a contract for the East Butte Heritage Park improvements project to Da Neal Construction, Inc. in the amount of \$350,806 and to direct the City Manager to take the necessary steps to execute the contract.

The motion was approved by a unanimous vote of City Council present.

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

Local Contract Review Board meeting concluded.
City Council meeting reconvened.

9. COUNCIL LIAISON REPORTS

Updates were received from Councilor Woodard on recent activities by the Park and Recreation Advisory Board and a meeting he attended for the Clackamas River Water Providers.

Updates were received from Councilor Buehner regarding a recent MPAC meeting and a meeting of the Lake Oswego/Tigard Water Partnership Oversight Committee.

10. NON AGENDA ITEMS

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT – 9 p.m.

Motion by Councilor Buehner, seconded by Councilor Buehner, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

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Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

/s/Catherine Wheatley
Catherine Wheatley, City Recorder

Attest:

/s/ John L. Cook
Mayor, City of Tigard

Date: May 14, 2013

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